

1-1 By: Thompson of Harris (Senate Sponsor - Lucio) H.B. No. 1659
1-2 (In the Senate - Received from the House May 9, 2013;
1-3 May 10, 2013, read first time and referred to Committee on Criminal
1-4 Justice; May 17, 2013, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 2;
1-6 May 17, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10		X		
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15		X		

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 1659 By: Hinojosa

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to certain actions taken by certain licensing authorities
1-20 regarding a license holder or applicant who received deferred
1-21 adjudication for certain offenses.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 51.356, Occupations Code, is amended to
1-24 read as follows:

1-25 Sec. 51.356. DEFERRED ADJUDICATION; LICENSE SUSPENSION,
1-26 LICENSE REVOCATION, OR DENIAL OR REFUSAL TO RENEW LICENSE. (a) The
1-27 commission may deny, suspend, revoke, or refuse to renew a license
1-28 or other authorization issued by a program regulated by the
1-29 department if:

1-30 ~~(1) [the commission determines that a deferred~~
1-31 ~~adjudication makes] the person holding or seeking the license~~
1-32 ~~received deferred adjudication for:~~

1-33 (A) any offense described by Article 62.001(5),
1-34 Code of Criminal Procedure; or

1-35 (B) an offense other than an offense described by
1-36 Paragraph (A) if:

1-37 (i) the person has not completed the period
1-38 of deferred adjudication or the person completed the period of
1-39 deferred adjudication less than five years before the date the
1-40 person applied for the license; or

1-41 (ii) a conviction for the offense would
1-42 make the person ineligible for the license by operation of law; and

1-43 (2) the commission determines that the deferred
1-44 adjudication makes the person unfit for the license.

1-45 (b) In making a determination under Subsection (a)(2)
1-46 ~~[(a)],~~ the commission shall consider the factors set forth in
1-47 Sections 53.022 and 53.023 and the guidelines issued by the
1-48 department under Section 53.025.

1-49 SECTION 2. Section 53.021(d), Occupations Code, is amended
1-50 to read as follows:

1-51 (d) A licensing authority may consider a person to have been
1-52 convicted of an offense for purposes of this section regardless of
1-53 whether the proceedings were dismissed and the person was
1-54 discharged as described by Subsection (c) if:

1-55 (1) the person was charged with:

1-56 (A) any offense described by Article 62.001(5),
1-57 Code of Criminal Procedure; or

1-58 (B) an offense other than an offense described by
1-59 Paragraph (A) if:

1-60 (i) the person has not completed the period

2-1 of supervision or the person completed the period of supervision
2-2 less than five years before the date the person applied for the
2-3 license; or

2-4 (ii) a conviction for the offense would
2-5 make the person ineligible for the license by operation of law; and

2-6 (2) [7] after consideration of the factors described
2-7 by Sections 53.022 and 53.023(a), the licensing authority
2-8 determines that:

2-9 (A) [~~1~~] the person may pose a continued threat
2-10 to public safety; or

2-11 (B) [~~2~~] employment of the person in the
2-12 licensed occupation would create a situation in which the person
2-13 has an opportunity to repeat the prohibited conduct.

2-14 SECTION 3. The change in law made by this Act applies to an
2-15 application for a license or other authorization that is filed, or a
2-16 proceeding to revoke or suspend a license or authorization that is
2-17 commenced, on or after the effective date of this Act.

2-18 SECTION 4. This Act takes effect September 1, 2013.

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